

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

SCOTT HUNT,

Plaintiff,

v.

CITY OF MONTGOMERY and
KEVIN J. MURPHY,

Defendants.

Case No: 2:05-cv-1160-T

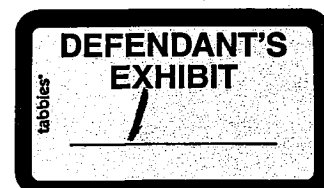
AFFIDAVIT OF K. J. MURPHY

Before me, the undersigned authority, personally appeared K.J. Murphy, who is known to me and who, being first duly sworn, deposed on oath, and says as follows:

My name is K. J. Murphy. I am over nineteen years of age. I am employed with the City of Montgomery as a Major and Division Commander of the Patrol Division for the Montgomery Police Department. It is in that capacity that I state the following:

On December 28, 2004, I requested that Internal Affairs be assigned to investigate formal complaints that had been filed by members of second shift patrol against four African-American officers for using racial derogatory language and creating a hostile work environment. Additionally, it was alleged that three officers had potentially assaulted another member of the shift which was former patrol officer Scott Hunt. Another officer was charged for rules violations due to the fact that he lied during the internal affairs investigation.

The assault incident occurred after second shift in the parking lot at headquarters. One of the officers tackled Officer Hunt. Another one of the officers took Officer Hunt's



service weapon from his holster, unloaded it and gave it back to him while one of them commented to take his gun because white boys will go home and kill themselves.

The four officers were given hearings at the division level and before the trial board. The trial board hearing was conducted before two Majors from other divisions and the Deputy Chief. The Chief of Police then reviews the recommendation of the trial board and can accept it or overrule it. The recommendation submitted to the Mayor's office from the Chief was that the four officers be terminated. The Mayor upheld the recommendation and three of the officers appealed to the City/County of Montgomery Personnel Board.

Officer Hunt was also disciplined in the matter for rules violation of Article I, Section 1.330, Duties of Responsible Employment for Prompt and Accurate Reporting of all Official Matters. At the division level, I recommended that Officer Hunt receive a five (5) day suspension. However Officer Hunt disagreed with my recommendation and appealed to the trial board. Rather than confirm my recommendation, the trial board gave Officer Hunt a ten (10) day suspension. The Chief upheld the recommended ten (10) day suspension. Officer Hunt was also required to return to the Police Academy to attend Weapon Retention and Safety Courses.

In early May 2005, Lt. D. W. O'Banion called me over the weekend regarding an incident in which Officer Hunt responded to a disturbance call that resulted in Officer Hunt macing a 17 year old female. Lt. O'Banion advised that Hunt had arrested the juvenile however there were potential procedure and rules violations. Lt. O'Banion advised he would forward a memorandum concerning the infraction. It is standard

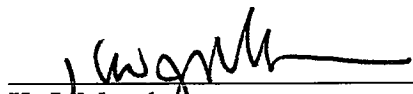
procedure that I am called and advised of something and given a written report following it up.

I received a copy of a memo that had been prepared by Sgt. A.J. Pollard for Lt. D.W. O'Banion regarding potential procedure and rules violations. I advised Colonel A.D. Baylor of the potential rules and regulations violation of Article I, Section 1.330, Duties of Responsible Employment; Proper Discharge of Assignment. On May 9, 2005, I requested that Internal Affairs be assigned to investigate the matter. The rules violation in question (Proper Discharge of Assignment) usually garners a recommended 3 day suspension. In that case, the violation does not affect the employees next merit increase.

I did not retaliate against Officer Hunt or treat him any differently than any other officer accused of rules violations. Any officer involved in rules violations is subject to an internal affairs investigation, administrative charges and disciplinary action. Failure to comply with internal affairs in an administrative investigation will result in disciplinary action.


Scott Hunt resigned from the Montgomery Police Department while the Internal Affairs investigation was still pending. At that point, the investigation was closed.

I have read the above and foregoing affidavit consisting of three (3) pages and state that it is true and correct to my present knowledge and information.


K. J. Murphy

SWORN TO AND SUBSCRIBED before me this 21st day of July, 2006.

(SEAL)


Notary Public
My commission expires 2/20/2007